

Docket No. 010147

REMARKS**1.) Claim Rejections – 35 U.S.C. § 102**

Claims 1-4, 8-11, 14-19, 22-24, 27-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,771,288 issued to Dent et al. (hereinafter "Dent"). To support such rejection, Dent must disclose every element of the invention as claimed. More particularly, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). With the above requirement in mind, Applicants respectfully submit that Dent fails to disclose every element of the invention as specified in each independent claim.

Regarding independent claim 1, Applicants respectfully submit that Dent fails to disclose at least one element of claim 1. The first element of claim 1 specifies that at least one pseudorandom number (PN) sequence is generated. On page 2 of the Office Action, the Examiner interprets the **pseudo-randomly generated code key** of Dent as being the same as the claimed PN sequence.

Assuming *arguendo* that the Examiner's interpretation is correct, Applicants respectfully submit that Dent fails to disclose the second element of claim 1, which specifies that the PN sequence is encrypted to render an encrypted PN sequence. Based on Applicants' assumption that the pseudo-randomly generated code key is similar to the PN sequence, if Dent does disclose the second element of claim 1, Dent would have to disclose the pseudo-randomly generated code key (PN sequence) **is encrypted to render an encrypted PN sequence**. However, Dent fails to do so. More specifically, Dent discloses that such "pseudorandomly generated code key is used to select one of the scrambling masks common to all the mobile stations in a particular cell." *Column 3, lines 34-37*. In addition, the Examiner alleges that the pseudo-randomly generated **ciphering key** of Dent is similar to the encrypted PN sequence. *Office Action, page 2*. Applicants might agree with such allegation if Dent does disclose the encrypting pseudo-randomly generated **code key** (PN sequence) to render such pseudo-randomly generated

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ciphering key. However, Dent does not do so. Thus, Dent fails to disclose at least one limitation of claim 1.

Accordingly, claim 1 is not anticipated by Dent and is believed to be patentable over Dent.

Claims 2-3 depend from independent claim 1, which is believed to be patentable, and thus their rejection is moot.

Independent claim 8 contains at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 8 is not anticipated by and is believed to be patentably distinguishable over Dent for reasons similar to those discussed above regarding claim 1.

Claims 9-11 depend from independent claim 8, which is believed to be patentable, and thus their rejection is moot.

Independent claim 14 contains at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 14 is not anticipated by and is believed to be patentably distinguishable over Dent for reasons similar to those discussed above regarding claim 1.

Claim 15 depends from independent claim 14, which is believed to be patentable, and thus its rejection is moot.

Independent claim 16 contains at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 16 is not anticipated by and is believed to be patentably distinguishable over Dent for reasons similar to those discussed above regarding claim 1.

Claims 17-19 ultimately depend from independent claim 16, which is believed to be patentable, and thus their rejection is moot.

Independent claim 22 contains at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 22 is not anticipated by and is believed to be patentably distinguishable over Dent for reasons similar to those discussed above regarding claim 1.

Claims 23-24 ultimately depend from independent claim 22, which is believed to be patentable, and thus their rejection is moot.

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Independent claim 27 contains at least one limitation that is similar to at least one limitation of claim 1, which is believed to be patentable. Accordingly, claim 27 is not anticipated by and is believed to be patentably distinguishable over Dent for reasons similar to those discussed above regarding claim 1.

Claims 28-30 depend from independent claim 27, which is believed to be patentable, and thus their rejection is moot.

3.) Claim Rejections – 35 U.S.C. § 103

Claims 5-7, 10, 12-13, 20-21, 25-26 and 31-34 and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dent, as applied to claims 1, 8, 16, 22 and 27, respectively above, and further in view of U.S. Patent No. 6,044,388 issued to DeBellis (hereinafter "DeBellis"). Before addressing this rejection in detail, it should be noted that the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *MPEP 2142*. To establish *prima facie* case of obviousness, certain criteria must be met. **First**, the prior art reference or references when combined must teach or suggest all the claim limitations. **Second**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. With the above requirements in mind, Applicant respectfully traverses this rejection per discussion below.

Regarding claims 5-7, they indirectly depend from independent claim 1, which is believed to be patentable, and thus claims 5-7 should also be non-obvious and patentably distinguishable over Dent in view of DeBellis. *MPEP 2143.03*.

Regarding claim 10 and 12-13, they directly or indirectly depend from independent claim 8, which is believed to be patentable, and thus these claims should also be non-obvious and patentably distinguishable over Dent in view of DeBellis. *MPEP 2143.03*.

Regarding claims 20-21, they indirectly depend from independent claim 16, which is believed to be patentable, and thus claims 20-21 should also be non-obvious and patentably distinguishable over Dent in view of DeBellis. *MPEP 2143.03*.

Regarding claims 25-26, they indirectly depend from independent claim 22, which is believed to be patentable, and thus claims 25-26 should also be non-obvious and patentably distinguishable over Dent in view of DeBellis. *MPEP 2143.03*.

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Regarding claims 31-34, they indirectly depend from independent claim 27, which is believed to be patentable, and thus claims 31-34 should also be non-obvious and patentably distinguishable over Dent in view of DeBellis. *MPEP 2143.03*.

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CONCLUSION

Claims 1-34 are presently standing in this patent application. In view of the foregoing remarks, each and every point raised in the Office Action mailed on May 24, 2006 has been addressed on the basis of the above remarks. Applicants believe all of the claims currently pending in this patent application to be in a condition for allowance. Reconsideration and withdrawal of the rejections are respectfully requested. However, should the Examiner believe that direct contact with Applicants' attorney would advance the prosecution of the application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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